

CHAPTER 44  
FORMERLY  
SENATE BILL NO. 59

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO WAIVER OF CRIMES AND ESTABLISHMENT OF CRIMINAL BACKGROUND REQUIREMENTS RELATED TO PROFESSIONS AND OCCUPATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §107(a)(1), Title 24, Delaware Code, as it presently exists and as amended effective August 1, 2012, by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 2. Amend §107(a)(1), Title 24, Delaware Code, as it presently exists and as amended effective August 1, 2012, by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to all court orders pertaining to fines, restitution and community service.”

Section 3. Amend §206(a)(3), Title 24, by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 4. Amend §206(a)(3), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 5. Amend §307(c)(1), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 6. Amend §307(c)(1), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 7. Amend §508(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 8. Amend §508(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 9. Amend §707(a)(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 10. Amend §707(a)(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 11. Amend §1122(c)(4), Title 24, Delaware Code by striking the words and punctuation “relating to an offense the circumstances of which substantially relate to the practice of dentistry or dental hygiene. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the Board in sufficient specificity to enable the Board to make a determination whether the record or charge is substantially related to the practice of dentistry or dental hygiene.” and inserting in lieu thereof “for a crime substantially related to the practice of dentistry or dental hygiene.”.

Section 12. Amend §1122(c)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 13. Amend §1122(c)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 14. Amend §1408(a)(8), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 15. Amend §1408(a)(8), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 16. Amend §1720(e), Title 24, Delaware Code by striking paragraph (4) in its entirety and replacing it as follows:

“(4) For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 17. Amend §1720(e), Title 24, Delaware Code by inserting a new paragraph “(5)” as follows:

“(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 18. Amend §1777(b), Title 24, Delaware Code by striking paragraph (4) in its entirety and replacing it as follows:

“(4) For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 19. Amend §1777(b), Title 24, Delaware Code by inserting a new paragraph “(5)” as follows:

“(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 20. Amend §1798(b), Title 24, Delaware Code by striking paragraph (4) in its entirety and replacing it as follows:

“(4) For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 21. Amend §1798(b), Title 24, Delaware Code by inserting a new paragraph “(5)” as follows:

“(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 22. Amend §1799J(c), Title 24, Delaware Code by striking paragraph (4) in its entirety and replacing it as follows:

“(4) For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 23. Amend §1799J(c), Title 24, Delaware Code by inserting a new paragraph “(5)” as follows:

“(5) For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 24. Amend §1808(a)(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 25. Amend §1808(a)(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 26. Amend §1821(a)(7), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or

serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 27. Amend §1821(a)(7), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 28. Amend §1910(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 29. Amend §1910(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 30. Amend §1914(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 31. Amend §1914(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 32. Amend §2008(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 33. Amend §2008(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 34. Amend §2113(a)(8), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 35. Amend §2113(a)(8), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 36. Amend §2508(c)(3), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 37. Amend §2508(c)(3), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 38. Amend §2606(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 39. Amend §2606(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 40. Amend §2708(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 41. Amend §2708(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 42. Amend §2907(a)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 43. Amend §2907(a)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 44. Amend §3032(a)(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 45. Amend §3032(a)(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 46. Amend §3044(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 47. Amend §3044(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 48. Amend §3052(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 49. Amend §3052(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 50. Amend §3107(a)(7), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 51. Amend §3107(a)(7), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 52. Amend §3313(a)(5), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 53. Amend §3313(a)(5), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 54. Amend §3319(a)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 55. Amend §3319(a)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 56. Amend §3514(a)(2), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 57. Amend §3514(a)(2), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 58. Amend §3608(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 59. Amend §3608(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 60. Amend §3708(b)(3), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 61. Amend §3708(b)(3), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 62. Amend §3806(c)(2), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 63. Amend §3806(c)(2), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 64. Amend §3915(a)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 65. Amend §3915(a)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 66. Amend §4008(a)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 67. Amend §4008(a)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 68. Amend §4009(a)(4), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 69. Amend §4009(a)(4), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 70. Amend § 4431(a)(10), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or

serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 71. Amend §4431(a)(10), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 72. Amend §5107(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 73. Amend §5107(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 74. Amend §5127(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 75. Amend §5127(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 76. Amend §5209(a)(6), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 77. Amend §5209(a)(6), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 78. Amend §5313(a)(2), Title 24, Delaware Code by striking subparagraph “a” in its entirety and replacing it as follows:

“a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 79. Amend §5313(a)(2), Title 24, Delaware Code by inserting a new subparagraph “b” as follows and redesignating the remaining subparagraphs accordingly:

“b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.”

Section 80. Amend Chapter 16, Title 24, Delaware Code by adding a new §1620 to read in its entirety as follows:

“§ 1620. Criminal background checks of applicants and employees.

An applicant for licensure as an adult entertainment establishment or adult-oriented retail establishment and all persons employed by the adult entertainment establishment or adult-oriented retail establishment shall submit, at the applicant's expense, fingerprints and other necessary information in order to obtain the following:

(1) A report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Central Repository contains no such information relating to that person.

(2) A report of the individual's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification shall be the intermediary for purposes of this section and the Commission on Adult Entertainment Establishments shall be the screening point for the receipt of said federal criminal history records. “

Approved June 08, 2011